

REMARKS

Claims 1, 3, 4, 5 and 8 have been amended place the application in better position for appeal, and entry of these amendments is respectfully requested.

Claim Rejection under 35 U.S.C. §112:

The Examiner rejected Claims 1-8 because of a belief that an amendment to the claims made by the Applicant in the Office Action mailed January 23, 2003 constituted new matter not described in the specification at the time the application was filed. The Applicant respectfully disagrees, and argues that the specification adequately discloses the "had releasable attachment and removal" feature of the invention.

In the specification, page 5, lines 13-19 describe the process of engaging the U-head assembly with the shoring apparatus. One skilled in the art would realize that the process described in this section does not involve the use of tools, and can be completely accomplished by hand. Similarly, page 6, lines 1-5 describe disengaging the U-head assembly by merely "compressing the spring unit". One with ordinary skill in the art would realize that this process could be done by hand, without the use of special tools. Furthermore, the specification page 7, lines 14-15 clearly states that the invention "does not require any special tools to attach or remove the assembly from the shoring apparatus." Therefore, the limitation that the latch is hand operated is disclosed in the specification does not constitute subject matter which was not described in the specification, and does not support a §112 rejection; therefore, reconsideration of the rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1-8 as anticipated by Markham, U.S. Patent No. 1,825,912, and Applicant respectfully disagrees. Markham discloses a shore head

bracket having a plate formed on the vertical posts with inwardly inclined portions that form a wedge with opposite inclined portions when directed downwards on the post using vertical force. The plate is adapted to be pounded downwards using a hammer, and the invention further discloses the use of a nail for securing the plate. The present invention, by contrast, is slid on the shoring post in a horizontal direction that is perpendicular to the orientation of the shoring post, and does not require use of a hammer or similar tool to drive the device onto the shoring post, to remove the device from the shoring post, or to better secure the device's position on the shoring post. The Markham reference is cited by the Applicant as an illustration of some of the difficulties encountered in the field, and does not constitute prior art.

Furthermore, the Examiner contends that the Markham shows a channel formed by opposing L-shaped extension. The Applicant respectfully disagrees, and argues that the Markham patent discloses no opposing L-shaped extensions of the type disclosed in the present application. Therefore, the Markham patent does not disclose every element of the present application, and does not support an anticipation rejection under 35 U.S.C. §102.

The Examiner rejected claims 1-5 as being anticipated by Abraham et. al., U.S. Patent No. 4,763,878. This reference relates to an apparatus for jacking basement walls that have moved out of alignment. The U-head plate and channel of the Abraham et. al. patent is not adapted to receive a plate of a shoring post apparatus. Furthermore, the Examiner contends that the nut-bolt assembly 70 in the Abraham et. al. patent constitutes a latch, and is consistent with prior art latches known to one of ordinary skill in the latch art. The Applicant respectfully disagrees; as to give latch the Examiner's definition

would give it as broad a definition as "fastener". Fastener is often the broad name given to any number of types of connection devices, and one of ordinary skill in the art would generally define a latch as a specific type of fastener, different from a nail, a screw, or a nut and bolt type fastener. Furthermore, the Abraham patent fails to disclose the L-shaped extensions of the present application, and is therefore not proper for an anticipation rejection of the present application.

The Examiner states that element 70 of Abraham et. al. and element 14 of Markham can be operated by hand. This is a misstatement. One skilled in the art of shoring apparatuses would not hand tighten element 70, but would use tools to assemble the nut-bolt apparatus. Similarly, Markham discloses that element 14 is adapted to "receive blows of a hammer to drive the plate into clamping relation to the beam or to release the same therefrom". This patent also discloses the use of special tools to operate the shoring device, and one of ordinary skill in the art would not pound the apparatus on by hand. Limitations were added to Claims 1, 3, 4, 5 and 8 to better distinguish the tool-assisted assemblies of the Markham and Abraham et. al. patents from the present invention, which allows quick and easy latching and release without the use of tools and loose parts.

The claims of the present application have been amended to more distinctly point out the inventiveness of the application and to place the application in better position for appeal. Accordingly, the purpose of the claimed invention is not taught nor anticipated by the cited references. The cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention or disclose the present application in full; therefore, Applicant respectfully

submits that the claimed invention, as amended, patentably distinguishes itself over the prior art, including the cited art merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 1-8, as amended, are in condition for allowance at this time. Accordingly, reconsideration of the application and passage to allowance are respectfully submitted.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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